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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,694	08/25/2003	Makoto Fujikubo	0505-1226P	9960

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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

CORRIGAN, JAIME W

ART UNIT	PAPER NUMBER
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3748

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/646,694

**Applicant(s)**

FUJIKUBO, MAKOTO

**Examiner**

Jaime W Corrigan

**Art Unit**

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 9 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11-25-03</u> | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamashita et al. (PN 4,117,813).

Regarding claims 1, 7 Yamashita discloses an oil passage (See Figure 16 (333)) structure for an engine, the engine including a tensioner (See Figure 3 (215)) arm provided in sliding-contact with a cam chain (See Figure 3 (85)), the cam chain being adapted to reduce the speed of a crankshaft by half and transmit the resultant power to camshafts (See Figure 3 (81), (82)) of the engine for driving an intake valve and an exhaust valve of the engine, and a screw type lifter (See Figure 3 (220)) having a lifter rod (See Figure 3 (219)) with one end in contact with the tensioner arm, the screw type lifter being provided in a cylinder head (See Figure 3 (221)) of the engine, said oil passage structure comprising: an oil passage formed so as to extend around said cylinder head (See Figure 3 (221)), oil discharged from an oil pump (See Figure 3 (95)) of the engine being fed through said oil passage, wherein a downstream end of said oil passage (See Figure 16 (333)) is in communication with the screw type lifter.

Art Unit: 3748

Regarding claims 2, 8 Yamashita discloses the camshafts (See Figure 3 (81), (82)) are rotatably supported by a plurality of cam journal walls provided in the cylinder head and a plurality cam holders (See Figure 4 (Not numbered but clearly visible)) fastened to the plurality of cam journal walls, respectively, wherein said oil passage (See Figure 16 (333)) is formed in such a manner as to pass through sliding-contact portions between said camshafts and one of the plurality of cam journal walls and one of the plurality of cam holders.

Regarding claim 3 Yamashita discloses said oil passage (See Figure 16 (333)) comprises: a pair of annular grooves surrounding the camshafts, said annular grooves being provided in said one cam journal wall (See Figure 3 (221)) and said one cam holder formed; a communication groove for connecting said annular grooves to each other, said communication groove being provided in at least one of joining faces of said one cam journal wall (See Figure 3 (221)) and said one cam holder to said cylinder head; and a pair of communication passages (See Figure 16 (335)) provided in a straight line in said one cam journal wall in such a manner as to be in communication with said annular grooves, respectively.

Regarding claim 4 Yamashita discloses a sub-gallery (See Figure 3 (90)) is provided in a crankcase of the engine in such a manner as to be independent from a main-gallery, said sub-gallery for leading oil from the oil pump (See Figure 3 (95)) to the oil passage extending around the cylinder head, and said main gallery for leading oil from the oil pump to portions to be lubricated at least in the crankshaft.

Art Unit: 3748

Regarding claims 5-6, 10-11 Yamashita discloses a sub-gallery (See Figure 3 (90)) is provided in a crankcase of the engine in such a manner as to be independent from a main-gallery, said sub-gallery for leading oil from the oil pump to the oil passage (See Figure 16 (333)) extending around the cylinder head, and said main gallery for leading oil from the oil pump (See Figure 3 (95)) to portions to be lubricated at least in the crankshaft.

#### ***Allowable Subject Matter***

Claims 9, 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Itoh et al. (PN 6,280,158), Mezger et al. (PN 4,553,509) disclose similar oil passage structures.

Any inquiry concerning this communication from the examiner should be directed to Examiner Jaime Corrigan whose telephone number is (703) 308-2639. The examiner can normally be reached on Monday - Friday from 8:30 a.m. – 6:00 p.m. 2<sup>nd</sup> Friday off.

Art Unit: 3748

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reached on (703) 308-2623. The fax number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

JC

Jaime Corrigan

*Jaime Corrigan*  
Patent Examiner

July 24, 2004

Art Unit 3748

*Thomas Denion*  
THOMAS DENION  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700